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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MAR 09 2006

at 9 o'clock and 25 min. AM
 SUE BEITIA, CLERK

Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

| | |
|--|------------------------------|
| LIMU COALITION, a Hawai'i non-profit corporation, and KÏLAUEA NEIGHBORHOOD ASSOCIATION, a Hawai'i non-profit corporation, |) CIVIL NO. 02-00521 SPK BMK |
| |) STIPULATION RE: |
| |) CONSOLIDATION; ORDER |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| JAMES H. PFLUEGER; PFLUEGER PROPERTIES, a Hawai'i limited partnership; and PILA'A 400, LLC, a Hawai'i limited liability company, |) |
| |) |
| Defendants. |) |
| |) |

STIPULATION RE: CONSOLIDATION

* Pursuant to Local Rule 10.2(b), please refer to the signature page for the complete list of parties represented.

WHEREAS, on August 19, 2002, Plaintiffs Limu Coalition and Kīlauea Neighborhood Association filed a Complaint (“Citizens’ Suit”), since amended, against Defendants James H. Pflueger, Pflueger Properties LLP, and Pila‘a 400, LLC, alleging violations of the federal Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, associated with Defendants’ construction activities on property at Pila‘a, Kaua‘i, Hawai‘i;

WHEREAS, concurrently with lodging this stipulation, the United States of America, on behalf of the United States Environmental Protection Agency and the State of Hawai‘i, on behalf of the Hawai‘i Department of Health, filed a Complaint in this Court against Defendants, alleging Clean Water Act violations at Pila‘a similar to those alleged herein, as well as violations under Section 13 of the Rivers and Harbors Act, 33 U.S.C. § 407, and state law (“the Government Suit”);

WHEREAS, concurrently with lodging this stipulation, a consent decree was lodged in the Government Suit, and a settlement agreement was lodged herein; and

WHEREAS, consolidating the Citizens’ Suit and the Government Suit would aid the efficient and expeditious resolution of these actions;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES that:

1. The Government Suit shall be assigned to Senior United States District Judge Samuel P. King and United States Magistrate Judge Barry M. Kurren; and

2. The Citizens' Suit and the Government Suit shall be consolidated for purposes of the Court's consideration and implementation of the consent decree in the Government Suit and of the settlement agreement herein.

DATED:

March 1, 2006

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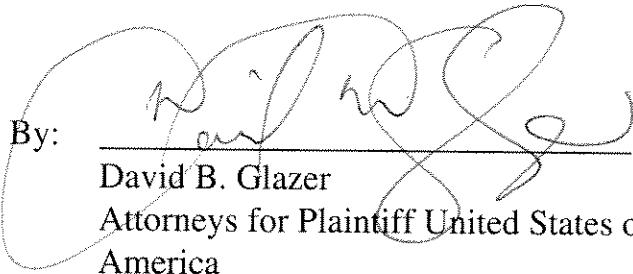
DATED:

February 13, 2006.

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

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Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);
STIPULATION RE: CONSOLIDATION

DATED:

FEB 28 2006

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DATED:

MARCH 8, 2006

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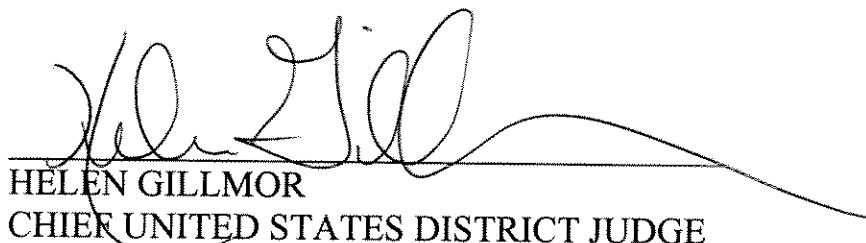
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Kilauea Neighborhood Association

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);
STIPULATION RE: CONSOLIDATION

APPROVED AND SO ORDERED.

DATED:



HELEN GILLMOR
CHIEF UNITED STATES DISTRICT JUDGE

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);
STIPULATION RE: CONSOLIDATION; ORDER